# REPORTS ANALYSIS DIVISION REFERRAL

TO

### OFFICE OF GENERAL COUNSEL

DATE: January 17, 2017

ANALYST: Nataliya Ioffe

I. COMMITTEE:

Comite Pierluisi, Inc.

C00435636

Hector Del Rio Jimenez, Treasurer

P.O. Box 13451

San Juan, PR 00966-0090

II. RELEVANT STATUTES:

52 U.S.C. § 30118(a)

11 CFR § 103.3(b) 11 CFR § 102.9(e)

11 CFR § 110.1(b)

#### III. BACKGROUND:

Excessive, Prohibited, and Other Impermissible Contributions: Failure to Refund, Redesignate, or Reattribute Excessive Contributions Within the Permissible Timeframe

Comite Pierluisi, Inc. ("the Committee") received excessive contributions totaling \$13,000.00 for the 2016 Primary Election from three (3) multicandidate political action committees. The Committee did not timely refund, reattribute, or redesignate these excessive contributions (Attachment 2).

On August 28, 2015, the Committee filed an Amended 2015 April Quarterly Report, covering the period from January 1, 2015 to March 31, 2015 (Image 201508289001585657). This report disclosed an excessive contribution of \$1,500.00 from one (1) multicandidate political action committee (Attachment 2).

While this contribution also appeared on the original 2015 April Quarterly Report, it was not excessive until after the Committee filed a series of amendments to 2013-2014 reports on July 19, 2016 to disclose redesignations of several prior contributions from the 2016 General Election to the 2016 Primary Election.

On October 15, 2015, the Committee filed the 2015 October Quarterly Report, covering the period from July 1, 2015 to September 30, 2015 (Image 201510159003084361). This report disclosed excessive contributions totaling \$7,000.00 from three (3) multicandidate political action committees (Attachment 2).

On January 31, 2016, the Committee filed the 2015 Year-End Report, covering the period from October 1, 2015 to December 31, 2015 (Image 201601319005214214). This report disclosed excessive contributions totaling \$4,500.00 from two (2) multicandidate political action committees (Attachment 2).

The Committee was sent a Request for Additional Information (RFAI) on December 9, 2015 and September 8, 2016 referencing the 2015 October Quarterly Report (Images 201512090300008575 and 201609080300058374), and an RFAI on September 8, 2016 referencing the 2015 Year-End Report (Image 201609080300058378). The RFAIs noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action.

On several occasions in May, June, and July, 2016, the Reports Analysis Division (RAD) Analyst spoke with the Committee's Assistant Treasurer, Alejandro Figueroa, and the assistant to the Committee's Treasurer, Marta Gavilan, concerning the excessive 2016 Primary Election contributions, among other items. The RAD Analyst informed the Committee representatives that since these contributions were not remedied within the permissible timeframe, the matter would be referred to another Commission office. Mr. Figueroa indicated the Committee did not have sufficient cash on hand to issue refunds. He initially stated that Pedro Pierluisi ("the Candidate") may be able to make a loan to the Committee to remedy the contributions, but he explained in subsequent conversations that the Candidate was unable to obtain a loan. The Analyst encouraged Mr. Figueroa to file a Miscellaneous Document ("FEC Form 99") explaining the circumstances and detailing any refunds the Committee is able to make (Attachment 4).

On September 2 and September 7, 2016, RAD Management contacted Mr. Figueroa to follow up concerning the excessive 2016 Primary Election contributions, among other items. RAD Management inquired whether the Committee planned to make any additional refunds. Mr. Figueroa indicated that the Candidate wanted to make a loan to the Committee for the purpose of issuing refunds, and that the Committee also contemplated fundraising to retire debts, but these efforts were unsuccessful. Mr. Figueroa stated that the Committee would continue to disclose the unremedied contributions as debts on their reports. In regard to the pending referral to another Commission office, Mr. Figueroa requested a non-enforcement resolution, such as mediation, on behalf of the Committee. RAD Management encouraged the Committee to provide any additional information for the public record in an FEC Form 99 (Attachment 4).

Excessive, Prohibited, and Other Impermissible Contributions: Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe after the Candidate's Withdrawal from the Primary Election

Committee Pierluisi ("the Committee") received 2016 General Election contributions from thirty-two (32) individuals and four (4) multicandidate political action committees that were not refunded or redesignated within the permissible timeframe from the date Pedro Pierluisi ("the Candidate") withdrew from the 2016 Puerto Rico Primary Election. The contributions total \$75,823.21 as disclosed on the 2013 April Quarterly, 2013 July Quarterly, 2013 October Quarterly, 2013 Year-End, 2014 April Quarterly, 2014 July Quarterly, 2014 October Quarterly, 2014 Year-End, 2015 April Quarterly, 2015 July Quarterly, and 2015 October Quarterly Reports (Attachment 3).

### 2013 April Quarterly Report

On April 15, 2013, the Committee filed the 2013 April Quarterly Report, covering the period from January 1 to March 31, 2013 (Image 13940554134). This report disclosed the receipt of \$3,872.70 in 2016 General Election contributions from two (2) individuals (Attachment 3).<sup>2</sup>

## 2013 July Quarterly Report

On July 15, 2013, the Committee filed the 2013 July Quarterly Report, covering the period from April 1 to June 30, 2013 (Image 13941150498). This report disclosed the receipt of \$16,200.00 in 2016 General Election contributions from seven (7) individuals (Attachment 3).<sup>3</sup>

### 2013 October Quarterly Report

On October 15, 2013, the Committee filed the 2013 October Quarterly Report covering the period from July 1, 2013 to September 30, 2013 (Image 13941827429). This report disclosed the receipt of \$8,850.00 in 2016 General Election contributions from four (4) individuals (Attachment 3).

### 2013 Year-End Report

On January 31, 2014, the Committee filed the 2013 Year-End Report covering the period from October 1, 2013 to December 31, 2013 (Image 14960367784). This report disclosed the receipt of \$6,100.00 in 2016 General Election contributions from three (3) individuals.

On July 19, 2016, the Committee filed an Amended 2013 Year-End Report, which disclosed a redesignation of \$100.00 of the above 2016 General Election

<sup>&</sup>lt;sup>2</sup> On May 9, 2013, November 27, 2013, and July 19, 2016, the Committee filed Amended 2013 April Quarterly Reports, which disclosed no changes in regard to the above 2016 General Election contributions (Images 13962187545, 13942600099, and 201607199020717405).

On November 27, 2013, the Committee filed an Amended 2013 July Quarterly Report, which disclosed no changes in regard to the above 2016 General Election contributions (Image 13942599982).

<sup>&</sup>lt;sup>4</sup> On November 27, 2013, the Committee filed an Amended 2013 October Quarterly Report, which disclosed no changes in regard to the above 2016 General Election contributions (Image 13942599907).

contributions to the 2016 Primary Election, with no changes to the other 2016 General Election contributions totaling \$6,000.00 (Image 201607199020717905; Attachment 3).

### 2014 April Quarterly Report

On April 15, 2014, the Committee filed the 2014 April Quarterly Report covering the period from January 1, 2014 to March 31, 2014 (Image 14960779500). This report disclosed the receipt of \$25,300.00 in 2016 General Election contributions from eleven (11) individuals (Attachment 3).<sup>5</sup>

## 2014 July Quarterly Report

On July 15, 2014, the Committee filed the 2014 July Quarterly Report covering the period from April 1, 2014 to June 30, 2014 (Image 14941830631). This report disclosed the receipt of \$600.51 in 2016 General Election contributions from three (3) individuals (Attachment 3).

#### 2014 October Quarterly Report

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On October 15, 2014, the Committee filed the 2014 October Quarterly Report covering the period from July 1, 2014 to September 30, 2014 (Image 14978392875). This report disclosed the receipt of \$19,350.00 in 2016 General Election contributions from two (2) individuals and seven (7) multicandidate political action committees.<sup>6</sup>

On July 19, 2016, the Committee filed an Amended 2014 October Quarterly Report, which disclosed redesignations of \$8,750.00 of the 2016 General Election contributions from one (1) individual and five (5) multicandidate political action committees to the 2016 Primary Election, with no changes to the other 2016 General Election contributions totaling \$10,600.00 (Image 201607199020719595; Attachment 3).

#### 2014 Year-End Report

On January 31, 2015, the Committee filed the 2014 Year-End Report covering the period from October 1, 2014 to December 31, 2014 (Image 15970239316). This report disclosed the receipt of \$5,000.00 in 2016 General Election contributions from one (1) multicandidate political action committee.<sup>7</sup>

On July 19, 2016, the Committee filed an Amended 2014 Year-End Report, which disclosed redesignations of \$4,000.00 of the above 2016 General Election

<sup>&</sup>lt;sup>5</sup> On May 27, 2014, the Committee filed an Amended 2014 April Quarterly Report, which disclosed no changes in regard to the above 2016 General Election contributions (Image 14941270554).

<sup>&</sup>lt;sup>6</sup> On February 9, 2015, the Committee filed an Amended 2014 October Quarterly Report, which disclosed no changes in regard to the above 2016 General Election contributions (Image 15970261729).

<sup>&</sup>lt;sup>7</sup> On February 9, 2015 and August 28, 2015, the Committee filed Amended 2014 Year-End Reports, which disclosed no changes in regard to the above 2016 General Election contributions (Images 15950602312 and 201508289001585630).

contributions to the 2016 Primary Election, with \$1,000.00 remaining designated to the 2016 General Election (Image 201607199020719883; Attachment 3).

### 2015 April Quarterly Report

On April 15, 2015, the Committee filed the 2015 April Quarterly Report covering the period from January 1, 2015 to March 31, 2015 (Image 15951171315). This report disclosed the receipt of a \$400.00 2016 General Election contribution from one (1) individual (Attachment 3).8

#### 2015 July Quarterly Report

On July 15, 2015, the Committee filed the 2015 July Quarterly Report covering the period from April 1, 2015 to June 30, 2015 (Image 201507159000170461). This report disclosed the receipt of \$6,100.00 in 2016 General Election contributions from three (3) individuals and two (2) multicandidate political action committees.

On July 19, 2016, the Committee filed an Amended 2015 July Quarterly Report, which disclosed redesignations of \$4,100.00 of the 2016 General Election contributions from three (3) individuals and one (1) multicandidate political action committee to the 2016 Primary Election, with no changes to the 2016 General Election contribution totaling \$2,000.00 from one (1) multicandidate political action committee (Image 201607199020719936; Attachment 3).

### 2015 October Quarterly Report

On October 15, 2015, the Committee filed the 2015 October Quarterly Report covering the period from July 1, 2015 to September 30, 2015 (Image 201510159003084361). This report disclosed the receipt of a \$1,000.00 2016 General Election contribution from one (1) individual (Attachment 3).

On November 15, 2015, the Candidate declared his candidacy for the Governor of Puerto Rico, which made him ineligible to seek a U.S. House of Representatives candidacy.

On February 19, 2014, the Committee's Assistant Treasurer, Alejandro Figueroa, contacted the Reports Analysis Division (RAD) Analyst to verify the procedure for retaining contributions received for the Primary and General Elections, as the candidate was no longer seeking re-election. The Analyst told Mr. Figueroa that the Committee could retain all Primary Election contributions up until the date that the candidate was no longer seeking nomination, and that the Committee had to refund the General Election contributions with 60 days of that decision (Attachment 4).

<sup>&</sup>lt;sup>8</sup> On August 28, 2015, the Committee filed an Amended 2015 April Quarterly Report, which disclosed no changes in regard to the above 2016 General Election contribution (Image 201508289001585657).
On August 28, 2015, the Committee filed an Amended 2015 July Quarterly Report, which disclosed no

changes in regard to the above 2016 General Election contributions (Image 201508289001585673).

On April 14, 2016 and April 15, 2016, Marta Gavilan, assistant to the Committee's Treasurer, contacted the RAD Analyst for assistance with filing questions. On both dates, Ms. Gavilan indicated that the Candidate was no longer seeking reelection to the U.S. House of Representatives, and that the Committee staff was in the process of winding down the Committee's activities (Attachment 4).

On April 24, 2016, a Request for Additional Information ("RFAI") referencing the 2015 Year-End Report was sent to the Committee. The RFAI noted the Committee's receipt of 2016 General Election contributions during the 2013-2016 election cycle and requested that the Committee refund or redesignate the contributions since the Candidate was not eligible to participate in the 2016 General Election (Image 201604240300042191).

On May 2, 2016, Ms. Gavilan made a follow-up phone call to the RAD Analyst and stated that the Committee has received the RFAI concerning unrefunded 2016 General Election contributions and would work on addressing it (Attachment 4).

On May 31, 2016, the Committee filed a Miscellaneous Electronic Document ("FEC Form 99") indicating that they would contact the RAD Analyst for further guidance on responding to the April 24, 2016 RFAI. The Form 99 stated, in part:

"[W]e will promptly provide the requested information in full compliance with all applicable laws and regulations. Moreover, should any corrective action be required, any such action will be taken immediately, and any and all information related thereto will be provided to the Federal Election Commission in a timely manner" (Image 201605319017324622).

Between June 1-3, 2016, the RAD Analyst spoke with Mr. Figueroa, concerning the unrefunded 2016 General Election contributions, cited in the April 24, 2016 RFAI, among other items. Mr. Figueroa indicated the Committee did not have sufficient cash on hand to issue refunds, and the Candidate may be able to make a loan to the Committee in order to remedy the unrefunded contributions. The Analyst stated that any remedies, albeit late, will be taken into consideration. The Analyst also informed Mr. Figueroa that the matter would be referred to another Commission office for further action (Attachment 4).

On July 7, 2016, the Committee filed a Form 99 stating, in part:

"This letter is to inform you (A) that we are in the process of exploring all possible means, and take all necessary steps, to comply with applicable laws and regulations, (B) that any and all information related thereto will be provided to the Federal Election Commission in a timely manner and (C) that we will not attempt to terminate the Committee until all such matters have been properly resolved" (Image 201607140300083274).

On July 19, 2016, the RAD Analyst called Mr. Figueroa to follow up on the matter of unrefunded 2016 General Election contributions. Mr. Figueroa stated the

Candidate was unable to obtain a loan for the Committee. The Analyst encouraged Mr. Figueroa to file an additional Form 99 explaining the circumstances and detailing any refunds the Committee is able to make (Attachment 4).

On September 2 and September 7, 2016, RAD Management contacted Mr. Figueroa to follow up concerning the unrefunded 2016 General Election contributions, among other items. RAD Management inquired whether the Committee planned to make any additional refunds. Mr. Figueroa indicated that the Candidate wanted to make a loan to the Committee for the purpose of issuing refunds, and that the Committee also contemplated fundraising to retire debts, but these efforts were unsuccessful. Mr. Figueroa stated that the Committee would continue to disclose the unremedied contributions as debts on their reports. In regard to the pending referral to another Commission office, Mr. Figueroa requested a non-enforcement resolution, such as mediation, on behalf of the Committee. RAD Management encouraged the Committee to provide any additional information for the public record in a Form 99 (Attachment 4).

To date, no further communications have been received from the Committee regarding these matters.

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7/19/2016	10/15/2013	11/27/2013	7/19/2016.	4/15/2014	5/27/2014	10/15/2014	2/9/2015	7/19/2016	1/31/2015	2/9/2015	8/28/2015	7/19/2016	2/19/2014	2/19/2014	8/15/2013
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# Comite Pierluisi, Inc. (C00435636)

Excessive Contributions Not Refunded or Redesignated within the Permissible Timeframe, Listed by Contributor<sup>1</sup>

Name	Date	Contribution Amount	Election	Report	Excessive Amount Not Remedied
AMGEN INC. POLITICAL ACTION COMMITTEE	9/25/2013	\$2,500.00	P2016	2013 October Quarterly	
AMGEN INC. POLITICAL ACTION COMMITTEE <sup>2</sup>	3/28/2014	\$2,500.00	P2016	2014 April Quarterly	
AMGEN INC. POLITICAL ACTION COMMITTEE	3/30/2015	\$1,500.00	P2016	2015 April Quarterly	
AMGEN INC. POLITICAL ACTION COMMITTEE	9/30/2015	\$1,500.00	P2016	2015 October Quarterly	
AMGEN INC. POLITICAL ACTION COMMITTEE	10/2/2015	\$1,500.00	P2016	2015 Year-End	\$4,500.00
Honeywell International Political Action Committee	9/30/2013	\$1,000.00	P2016	2013 October Quarterly	
Honeywell International Political Action Committee	10/22/2014	\$2,000.00	P2016	2014 Year-End	
Honeywell International Political Action Committee	11/7/2014	\$2,000.00	P2016	2014 Year-End	
Honeywell International Political Action Committee	9/30/2015	\$3,000.00	P2016	2015 October Quarterly	
Honeywell International Political Action Committee	10/2/2015	\$3,000.00	P2016	2015 Year-End	\$6,000.00
New Democrat Coalition PAC <sup>3</sup>	6/6/2013	\$5,000.00	P2016	2013 July Quarterly	·
New Democrat Coalition PAC	7/16/2015	\$2,500.00	P2016	2015 October Quarterly	\$2,500.00
Total Amount Not Remedie	d:				\$13,000,00

None of these excessive contributions were remedied.
 The 2014 April Quarterly Report references the contribution from "Amgen Political Action Committee."
 The 2013 July Quarterly Report references the contribution from "New Democrat Coa;ition PAC."

Comite Pierluisi, Inc. (C00435636) 2016 General Election Contributions Not Refunded or Redesignated, Listed by Contributor

Contributor Name	Date	Contribution Amount	Report
Alen Napoles, Olga	12/20/2013	\$1,000.00	2013 Year-End
AMGEN INC. POLITICAL ACTION COMMITTEE	9/4/2014	\$2,000.00	2014 October Quarterly
Benitez Colon, Jose	3/31/2014	\$1,400.00	2014 April Quarterly
Burgos, Maria G.	1/24/2014	\$1,500.00	2014 April Quarterly
Cabral, Julio C.	1/24/2014	\$2,400.00	2014 April Quarterly
Carrion Rubert, Jose B.	1/10/2013	\$2,500.00	2013 April Quarterly
Castrodad, Brenda	5/23/2013	\$2,200.00	2013 July Quarterly
Cordero Perez, Bernice	3/31/2014	\$2,400.00	2014 April Quarterly
Corrada, Mercedes	1/24/2014	\$2,400.00	2014 April Quarterly
De la Cruz, Alberto	2/3/2014	\$2,600.00	2014 April Quarterly
De la Cruz, Alberto G <sup>1</sup>	2/11/2014	\$2,600.00	2014 April Quarterly
De la Cruz, Maria M.	2/3/2014	\$2,600.00	2014 April Quarterly
Deida Roman, Cindy Mrs	2/2/2013	\$1,372.70	2013 April Quarterly
Echandia Fuster, Lylybeth	5/23/2013	\$2,500.00	2013 July Quarterly
Echandia Velez, Ramon	5/23/2013	\$2,000.00	2013 July Quarterly
Farrow, Jeffrey L.	3/30/2015	\$400.00	2015 April Quarterly
Tailow, Jeiney E.	9/24/2015	\$1,000.00	2015 October Quarterly
Figueroa, Alejandro	12/12/2013	\$2,600.00	2013 Year-End
Fuster Marrero, Lydia A.	5/23/2013	\$2,500.00	2013 July Quarterly
Garffer Croly, Jerome L.	6/6/2013	\$2,400.00	2013 July Quarterly
Gines, Julio Mr	1/21/2014	\$2,400.00	2014 April Quarterly
Honeywell International Political Action	11/7/2014	\$1,000.00	2014 Year-End
Committee <sup>2</sup>	4/16/2015	\$2,000.00	2015 July Quarterly
Manon, Juana V.	1/21/2014	\$2,400.00	2014 April Quarterly
Marquez Hernandez, Raul	5/23/2013	\$2,000.00	2013 July Quarterly
McClintock, Kenneth	4/23/2014	\$50.51	2014 July Quarterly
Medina, Ruben A. <sup>3</sup>	12/11/2013	\$2,400.00	2013 Year-End
New Democrat Coalition	7/31/2014	\$5,000.00	2014 October Quarterly
Nunez Batista, Elpidio P.	8/28/2013	\$2,400.00	2013 October Quarterly
Nunez Czepiel, Ventura	8/28/2013	\$2,400.00	2013 October Quarterly
Nunez, Elpidio P. Jr.	8/28/2013	\$2,400.00	2013 October Quarterly
Osorio de Cordero, Nora	2/5/2014	\$2,600.00	2014 April Quarterly

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<sup>&</sup>lt;sup>1</sup> This is a different individual from "De la Cruz, Alberto" above.

<sup>&</sup>lt;sup>2</sup> Honeywell International Political Action Committee contributed \$2,000.00 for the 2016 General Election on 10/22/2014, which was redesignated to the 2016 Primary Election on the same date. Subsequently, the PAC contributed \$3,000.00 on 11/7/2014, \$2,000 of which was redesignated to the 2016 Primary Election on the same date, leaving \$1,000.00 for the 2016 General Election. The PAC made an additional \$2,000.00 General Election contribution on 4/16/2015.

<sup>3</sup> Ruben A. Medina contributed \$2,500.00 for the 2016 General Election on 12/11/2013. On the same date, \$100.00 was redesignated to the 2016 Primary Election, leaving \$2,400.00 for the 2016 General Election.

Rivera, Orlando	8/28/2013	\$1,650.00	2013 October Quarterly
Rodriguez Mercado, Rafael	6/23/2014	\$150.00	2014 July Quarterly
Roman, Felix N.	5/9/2014	\$400.00	2014 July Quarterly
Salvani, Joseph M	9/30/2014	\$2,600.00	2014 October Quarterly
Valentin, Carlos	5/23/2013	\$2,600.00	2013 July Quarterly
WAL-MART STORES INC. PAC FOR RESPONSIBLE GOVERNMENT⁴	9/30/2014	\$1,000.00	2014 October Quarterly
Total Amount Not Refunded/Redesignate	·d:	···	\$75,823.21

<sup>&</sup>lt;sup>4</sup> WAL-MART STORES INC. PAC FOR RESPONSIBLE GOVERNMENT contributed \$2,500.00 for the 2016 General Election on 9/30/2014. On the same date, \$1,500.00 was redesignated to the 2016 Primary Election, leaving \$1,000.00 for the 2016 General Election.